

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 11-2012**

**AN ORDINANCE AMENDING CHAPTER 97,  
AFFORDABLE HOUSING, AS AMENDED,  
OF THE CODE OF THE TOWNSHIP OF MOORESTOWN  
TO REVISE THE REQUIREMENTS FOR AFFORDABLE HOUSING  
RESTRICTIONS AND ADMINISTRATION  
TO CONFORM TO *N.J.A.C. 5:97-9***

**WHEREAS**, the Township Council of the Township of Moorestown, a municipal corporation in the County of Burlington, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the affordable housing impact fee regulations of the Township; and

**WHEREAS**, the Planning Board of the Township of Moorestown has adopted a Housing Element of the Master Plan providing for the appropriate use and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

**WHEREAS**, this ordinance shall bring the ordinances of the Township of Moorestown into conformance with the requirements for restrictions on affordable housing, implement the Uniform Affordability Housing Controls (*N.J.A.C. 5:26-1 et seq.*) and *N.J.A.C. 5:97-9*.

**NOW, THEREFORE, BE IT ENACTED and ORDAINED** by the Township Council of the Township of Moorestown, in the County of Burlington as follows:

**Section 1.** §97-2, Affordability Average; Bedroom Distribution, is hereby amended to replace subsections –A, –D and –E, and to add –H with the following:

- A. Except for affordable housing developments constructed pursuant to low income tax credit regulations:
  - (1) At least half of the for-sale affordable units within each affordable housing development shall be affordable to low income households.
  - (2) At least half of the rental affordable units within each affordable housing development shall be affordable to low income households. Of the total number of affordable rental units, thirteen percent (13%) shall be affordable to very low income households.
  - (3) At least half of the affordable units in each bedroom distribution within each affordable housing development shall be affordable to low income households.

D. Establishing average rents of affordable units.

- (1) The maximum rent of affordable units within each affordable housing development shall be affordable to households earning no more than 60 percent of median income. The average rent for low and moderate income units shall be affordable to households earning no more than 52 percent of median income. Restricted rental units shall establish at least one rent for each bedroom type for all low and moderate income units provided at least 10 percent of all low and moderate income units are affordable to households earning no more than 35 percent of median income.
- (2) Gross rents including an allowance for utilities shall be established for the various size affordable units at a rate not to exceed 30% of the gross monthly income of the appropriate household size as set forth hereinabove. The allowance for utilities shall be consistent with the utility allowance approved by the NJ Department of Community Affairs for use in its Section 8 Program.
- (3) All affordable rental units included in the COAH requirement shall not be subject to any rent control ordinance which may be adopted in the Township of Moorestown during the time period in which affordability controls for COAH certified units are in effect.

E. Establishing average sales prices of affordable units.

- (1) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income. Each affordable development must achieve an affordability average of 55 percent for restricted ownership units. Moderate income ownership units must be available for at least three different prices for each bedroom type and low income ownership units must be available for at least two different prices for each bedroom type.
- (2) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of an appropriate household size as determined under *N.J.A.C. 5:80-26.4*; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*.

H. If an affordable housing unit is part of a condominium association or homeowner's association, the Master Deed shall reflect that the assessed affordable homeowner's fee be established at one hundred percent (100%) of the market rate fee. This percentage assessment shall be recorded in the Master Deed.

**Section 2.** §97-4, Ownership units and §97-5, Rental units, are hereby repealed and replaced with the following:

**§97-4 Time period for controls.**

The following are the minimum time periods for the enforcement of controls on affordability.

- A. Newly constructed low and moderate income rental units shall remain affordable to low and moderate income households for a period of 30 years.
- B. Newly constructed low and moderate income for sale units shall remain affordable to low and moderate income households for a period of 30 years.
- C. Rehabilitated owner-occupied single family housing units that are improved to code standard shall be subject to affordability controls for 10 years.
- D. Rehabilitated renter-occupied housing units that are improved to code standard shall be subject to affordability controls for at least 10 years.
- E. Housing units created through conversion of a non-residential structure shall be considered a new housing unit and shall be subject to affordability controls for new housing units as designated in paragraphs –A and –B hereinabove.
- F. Affordability controls on accessory apartments shall be for a period of 10 years.
- G. Affordable controls for units in alternative living arrangements shall be for a period of 30 years.
- H. Affordable controls on buy-down units shall be for a period of 30 years.

**§97-5 Construction, barrier-free accessibility and continuing certificates of occupancy.**

- A. Final site plan or subdivision approval for any inclusionary development shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in one stage or more stages:

<u>Minimum Percentage of Low &amp; Moderate Income Units Completed</u>	<u>Percentage of Market Housing Units Completed</u>
0	25
10	25 + 1 unit
50	50
75	75
100	90

- B. The first floor of all townhouse dwelling units and of all other multistory dwelling units which are affordable to low or moderate households shall be subject to the technical design standards of the Barrier Free Subcode (*N.J.A.C. 5:23-7*).
- C. Each affordable townhouse unit or other affordable multi-story dwelling unit that is attached to at least one other dwelling unit shall have the following features:
  - (1) An adaptable toilet and bathing facility on the first floor;
  - (2) An adaptable kitchen on the first floor;
  - (3) An accessible route of travel except that an interior accessible route of travel shall not be required between stories.
  - (4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - (5) An accessible entranceway or adaptable entranceway with payment in lieu of constructing an accessible entranceway, as set forth in paragraph –D below.
- D. The developer shall provide an accessible entranceway as set forth at *N.J.A.C. 5:97-3.14* for each affordable townhouse unit or other affordable multi-story dwelling unit that is attached to at least one other dwelling unit or the developer shall provide funds sufficient to make ten percent (10%) of the adaptable entrances in the development accessible as set forth at *N.J.A.C. 5:97-3.14*. In the event that the developer elects to provide the funds in lieu of construction, the developer of the project shall submit a conversion plan indicating the steps necessary to convert the unit from being adaptable to accessible. Said plan shall be submitted at the time of issuance of a building permit. Furthermore, the developer of the project shall submit a cost estimate for the conversion of the adaptable entrances in the development to accessible at the time of issuance of the building permit in order to determine the required funds.
- E. In an affordable housing development where the developer has paid the fee in lieu of constructing an accessible entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed by the Township utilizing such earmarked funds.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the municipal building inspector stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under *N.J.A.C. 5:80-26.5(a)*.

**Section 3.** Continuation. In all other respects the Moorestown Code of Ordinances, as amended and supplemented, shall remain in full force and effect.

**Section 4.** Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the

validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

**Section 5.** Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Moorestown, then the restriction which imposes the greater limitation shall be enforced.

**Section 6.** Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 7.** Enactment. This ordinance shall not be effective until approved by the New Jersey Council on Affordable Housing pursuant to *N.J.A.C. 5:96-5.1* and upon the filing thereof with the Burlington County Planning Board after final passage, adoption, and publication by the Township Council of the Township of Moorestown in the manner prescribed by law.

CERTIFICATION

I hereby certify that Ordinance No. 11-2012 was introduced and adopted on first reading by the Township Council at a meeting held on April 16, 2012. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on May 14, 2012.

<u>VOTE:</u>	
JORDAN	YES
GALLO	YES
TESTA	YES
CHIACCHIO	ABSENT
BUTTON	YES

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PATRICIA L. HUNT, RMC  
Township Clerk